

d.) **Remarks**

Claims 35-59 are canceled and claims 1, 3, 4, 5, 14-16, 21, and 24-31 amended. All amendments are to correct typographical or grammatical errors, or to correct dependencies. Claims 1-34 are currently pending.

Remarks Regarding Restriction Requirement

In response to the Office Action, mail dated November 21, 2003, applicant respectfully makes the following provisional election and requests reconsideration of the restriction requirement in view of applicant's remarks below.

Applicant provisionally elects Group I, claims 1-38, with traverse.

In the Office Action, restriction is alleged to be required, under 35 U.S.C. §§ 121 and 372, to one of the following groups of claims:

Group I: Claims 1-38, drawn to a hyperspectral image calibration pad;

Group II: Claims 39-54, drawn to a method of calibrating hyperspectral imaging of a sample; and

Group III: Claims 55-59, drawn to a system for obtaining spectral information.

Although applicant respectfully disagrees, this requirement is moot in view of the cancellation of claims 35-59. Thus the entire requirement can be withdrawn.

Remarks Regarding 35 U.S.C. § 102(b)

Claims 35-38 stand rejected, under 35 U.S.C. § 102(b), as allegedly anticipated by Hedman et al. or Anderson et al. Applicant respectfully traverses this rejection. These claims have been canceled and this rejection is now moot.

Conclusion

The application is in condition for allowance and the prompt issuance of a Notice of Allowance is respectfully requested. If there are any fees due with the filing of this Response, including any additional fees for an extension of time, applicant respectfully requests that extension and also requests that any and all fees due be charged to Deposit Account No. 03-1952 referencing Attorney Docket No. 54449-20005.00.

Respectfully submitted
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Date: May 21, 2004

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